

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

The Continuum Group LLC,

Plaintiff,

- v -

666 Performance, LLC d/b/a “Continuum” and
“Continuum Club,”

Defendant.

No. 24 CV 5834

**NOTICE OF MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Please take notice that counsel for Plaintiff The Continuum Group LLC will move before the Honorable Lorna G. Schofield, United States District Judge, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, New York, New York, for an Order pursuant to Fed. R. Civ. P. 65 temporarily and preliminarily enjoining Defendant 666 Performance, LLC d/b/a “Continuum” and “Continuum Club,” and its agents and all persons subject to Fed. R. Civ. P. 65(d) from: (i) Using Plaintiff’s CONTINUUM and CONTINUUM CLUB marks to identify any goods, services or businesses not authorized by Plaintiff; (ii) using Plaintiff’s CONTINUUM and CONTINUUM CLUB marks, or any other marks that are confusingly or substantially similar to Plaintiff’s CONTINUUM and CONTINUUM CLUB marks, on or in connection with Defendant’s advertising, marketing, promoting, distributing, displaying, offering for sale, selling, operating and/or otherwise dealing in good or services, or engaging in business, not authorized by Plaintiff; (iii) engaging in any act which is likely to cause confusion or mistake, or to deceive, members of the public as to the affiliation, connection or association of any goods, services or businesses advertised,

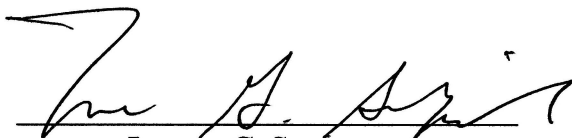
marketed, promoted, distributed, displayed, operated, offered for sale or sold by Defendant with Plaintiff, and/or as to the origin, sponsorship or approval of any product, service or business advertised, marketed, promoted, displayed, operated, offered for sale or sold by Defendant with Plaintiff; and (iv) instructing, aiding or abetting any other person or entity in engaging in or performing any of the foregoing acts. In the alternative, Plaintiff seeks such other and further relief as the Court may deem just and proper.

Plaintiff's motion will be based upon a [Proposed] Temporary Restraining Order and Order to Show Cause filed herewith; this Notice of Motion; the accompanying Memorandum of Law; the accompanying declaration of Wesley Mullen, Esq. dated August 6, 2024 and exhibits thereto; the accompanying declaration of Alexandra Eichner dated August 6, 2024 and exhibits thereto; the accompanying declaration of Philip Gutman dated August 6, 2024 and exhibits thereto; such additional oral or documentary evidence as may be received prior to or at a hearing or as the Court may direct; and upon all other papers and proceedings heretofore had herein.

DATED: August 6, 2024
New York, New York

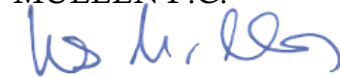
Defendant shall file a response to Plaintiff's motion by **August 15, 2024**. The response memorandum of law shall be no longer than Plaintiff's memorandum of law in support. A conference will be held on Plaintiff's motion on **August 22, 2024, at 3:00 P.M.** The parties shall call (888) 363-4749 and enter the access code 558-3333. Plaintiff shall serve a copy of this order on Defendant and file proof of service by **August 8, 2024**.

Dated: August 7, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

MULLEN P.C.

BY:


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